

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Southern California Gas Company for Authority Pursuant to Public Utilities Code Section 851 to Sell Cushion Gas in its Aliso Canyon and La Goleta Storage Fields. (U 904 G)

Application 01-04-007
(Filed April 9, 2001)

**ADMINISTRATIVE LAW JUDGE'S RULING
REGARDING NOTICE OF INTENT TO CLAIM COMPENSATION**

This ruling addresses the notice of intent to claim compensation (NOI) that was filed by The Utility Reform Network (TURN) on June 29, 2001. TURN is found eligible to file for an award of compensation in this proceeding.

Southern California Gas Company (SoCalGas) filed the above-captioned application on April 9, 2001. A prehearing conference to discuss the issues and scheduling of this proceeding was held on May 30, 2001. Pub. Util. Code § 1804(a) provides that a customer who intends to seek an award for intervenor compensation must file the NOI within 30 days after the prehearing conference is held. TURN timely filed its notice on June 29, 2001. No one filed a statement responding to TURN's NOI.

Pub. Util. Code § 1804(a)(2) provides that a NOI is to include a statement of the nature and extent of the customer's planned participation in the proceeding, and an itemized estimate of the compensation that the customers expects to request. In addition, the NOI may include a showing by the customer that participation in the proceeding would pose a significant financial hardship. (Pub. Util. Code § 1804(a)(2)(B).) If such a showing is made, the Administrative

Law Judge, in consultation with the assigned Commissioner, is to issue a preliminary ruling addressing whether the customer will be eligible for an award of compensation. In Decision (D.) 98-04-059, at page 31, the Commission directed that if a ruling is issued as a result of the filing of a NOI, that the ruling address whether the intervenor is a customer as defined in § 1802(b), and that the ruling identify the customer category that the intervenor falls within.

D.98-04-059 also states at pages 27 and 28 that the NOI should provide a basis for an assessment of whether an intervenor will represent customer interests that would otherwise be underrepresented.

Pub. Util. Code § 1802(b) identifies three forms of customer: a participant representing consumers; a representative authorized by a customer; and a representative of a group or organization authorized in its articles of incorporation or bylaws to represent the interests of residential customers.

TURN's NOI states that its articles of incorporation authorize it to represent the interests of residential ratepayers. TURN has previously submitted the relevant portion of its articles of incorporation in other Commission proceedings.

According to the NOI, TURN has approximately 30,000 dues-paying members, the majority of which TURN believes are residential customers. TURN qualifies as a customer as a representative of a group or organization that is authorized by its articles of incorporation to represent the interests of residential customers.

TURN states in its NOI that although TURN and The Office of Ratepayer Advocates (ORA) represent ratepayer interests, TURN only represents the interests of core customers. TURN plans to coordinate with ORA to avoid unnecessary duplication of effort. TURN's participation in this proceeding appears to represent customer interests that would otherwise be underrepresented.

TURN has participated in this proceeding by filing a protest to the application, providing comments at the prehearing conference, and filing other comments. Among the issues that TURN plans to or has addressed include the following: (1) the need for Section 851 authorization to reclassify and sell the cushion gas; (2) the disposition of the reclassified gas; (3) the allocation of any gain on sale; and (4) the classification of the additional storage capacity created by the well improvements.

TURN estimates a total budget of \$34,200 for this proceeding. Of that estimated amount, \$32,200 is for attorney fees, and \$2000 is for direct expenses. TURN estimates that its attorneys will spend approximately 155 hours on this proceeding. TURN states that any request for compensation will depend upon the Commission's ultimate decision in this proceeding.

TURN has elected to rely on Pub. Util. Code § 1804(b)(1) to make a showing of significant financial hardship in this proceeding. That subdivision provides in pertinent part:

“A finding of significant financial hardship shall create a rebuttable presumption of eligibility for compensation in other commission proceedings commencing within one year of the date of that filing.”

TURN points out that such a finding was made in a ruling dated December 29, 2000 in Application 00-09-002. Since this proceeding was initiated within one year of that finding, the previous finding creates a rebuttable presumption of eligibility for compensation in this proceeding. Accordingly, TURN shall be presumed to be eligible for compensation in this proceeding.

Therefore, **IT IS RULED** that The Utility Reform Network is eligible to file a claim for an award of compensation in this proceeding.

Dated October 2, 2001, at San Francisco, California.

/s/ JOHN S. WONG

John S. Wong
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Regarding Notice of Intent to Claim Compensation on all parties of record in this proceeding or their attorneys of record.

Dated October 2, 2001, at San Francisco, California.

/s/ FANNIE SID

Fannie Sid

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.